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12 UNITED STATES DISTRICT COURT  
13 NORTHERN DISTRICT OF CALIFORNIA  
14 SAN FRANCISCO DIVISION

16 CORNELIUS CLARK, CHESTER LEWIS,  
17 JOHN PONDS, AND GARRANT COSEY, on  
behalf of themselves and all other persons  
similarly situated,

18 Plaintiffs,  
19 vs.

20 ANNA'S LINENS, INC.,

21 Defendant.

**CLASS ACTION**

Case No. C05-02670-MMC

**STIPULATION AND [PROPOSED] ORDER  
REGARDING SETTLEMENT STATUS  
AND FILING DEADLINES; DIRECTIONS TO  
PARTIES**  
Hon. Maxine M. Chesney

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## **STIPULATION**

Plaintiffs Cornelius Clark, Chester Lewis, John Ponds, and Garrant Cosey (“Plaintiffs”) and Defendant Anna’s Linens, Inc. (“Anna’s Linens”) by and through their counsel of record agree and jointly request that the deadlines relating to class certification expert discovery and briefing, approved by this Court on March 11, 2008, be suspended and taken off the Court’s calendar for the following reasons: The Parties reached agreement on the terms of settlement of the Plaintiffs’ claims, which has been memorialized in a written settlement agreement. However, the Parties’ settlement is conditioned on the termination of the Equal Employment Opportunity Commission’s (“EEOC”) investigation of charges of discrimination filed by Plaintiffs and other persons represented by Plaintiffs’ counsel pending before the EEOC’s San Francisco and Los Angeles offices. The EEOC has now completed its investigation. The EEOC and Anna’s Linens have reached agreement in principle to resolve those charges and are close to finalizing a written agreement.

The Parties anticipate that the agreement between Anna's Linens and the EEOC will be finalized within the next 60 days, though it is not possible to predict with certainty when dealing with a governmental agency. The Parties therefore stipulate and respectfully request that the following class certification briefing deadlines be taken off the Court's calendar without waiver of the Parties' ability to have them reinstated in the unforeseen event the settlement with the EEOC is not finalized.

Motion for Class Certification to be filed by	5/9/08
Defendants' Opposition to Class Certification to be filed by	6/4/08
Plaintiffs' Reply to be filed by	6/18/08
Hearing on Motion for Class Certification (on or after)	7/11/08

The Parties further agree and stipulate that they will use their best efforts to file their settlement agreement and a motion to dismiss with this Court on or before July 15, 2008.

SO STIPULATED.

1 Dated: May 5, 2008

Respectfully submitted,

2  
3 /S/ Roberta L. Steele

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27  
28 Dated: May 5, 2008

## ORDER

The Court has considered the above Stipulation, and good cause appearing therefor, the Court hereby ORDERS that the class certification briefing schedule set forth below be suspended and taken off the Court's calendar.

Motion for Class Certification to be filed by	5/9/08
Defendants' Opposition to Class Certification to be filed by	6/4/08
Plaintiffs' Reply to be filed by	6/18/08
Hearing on Motion for Class Certification (on or after)	7/11/08

Further, if the parties have not filed a motion to dismiss by July 15, 2008, the parties shall on that date file a joint status statement to indicate how they propose to resolve the instant matter.

IT IS SO ORDERED.

DATED: May 7, 2008

*Maxine M. Chesney*  
THE HONORABLE MAXINE M. CHESNEY  
UNITED STATES DISTRICT JUDGE